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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,003	05/25/2001	Jeff Swanson	UTL00022	5858
7590 KYOCERA WIRELESS CORP. P.O. BOX 928289 SAN DIEGO, CA 92192-8289			EXAMINER SHARMA, SUJATHA R	
ART UNIT 2618		PAPER NUMBER		
MAIL DATE 07/13/2007		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/866,003	SWANSON ET AL.
	Examiner	Art Unit
	Sujatha Sharma	2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 April 2007.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 and 3-12 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,3-7,9,10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richter [DE 1918055A1] in view of Kim [US 2002/0109614].

Regarding claims 1,3 Richter discloses a mobile handset comprising

- a housing; see 3 in Fig. 1a
- a transparent area integrally associated with the housing; see fig. 2 and English translation document page 8, paragraph 3
- a graphical element positioned on the transparent area; see fig. 2 and English translation document page 8, paragraph 3
- a backlighting source within the mobile handset and constructed to illuminate at least portion of the transparent area; see English translation document page 6, paragraph 6, page 9, paragraph 2.

However, Richter does not disclose a method wherein the graphical element is located on a front portion of said housing and being indicative of a key function.

Kim, in the same field of endeavor, teaches a method wherein each of the keys has indicia associated with it and the said indicia maybe located on the key or on the front portion of the housing adjacent to the key. See page 1, paragraph 16 and page 5.

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Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teaching of Kim to Richter in order to provide a versatile and easy use of the device to the user.

However, Richter as modified by Kim does not disclose an electroluminescent panel within the mobile handset and constructed to illuminate at least a portion of the transparent area.

Shibamoto, in the same field of endeavor, teaches an electroluminescent panel within the mobile handset and constructed to illuminate at least a portion of the transparent area. See col. 1, line 34 – col. 3, line 19.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teaching of Shibamoto to modified Richter in order to provide a simple mounting structure and hence a much more compact size.

Regarding claim 4, Richter discloses a method wherein the device comprises of at least one layer of opaque coating upon at least a portion of the transparent area. See English translation, page 3, paragraphs 1,2.

Regarding claim 5, Richter further discloses a method wherein the graphical element comprises a negative image (image that is light against a dark background) within the coating. See English translation document, page 2, paragraphs 2,3.

Regarding claims 6,7 Richter further discloses the graphical element to comprise of pad printed graphical element. See english translation document, page 3, paragraphs 4, page 9, paragraph 1.

Regarding claim 9, Richter discloses a method wherein the device comprises at least one layer of an opaque coating on the non-graphics surface area of the housing. See english translation document, page 7, paragraph 1, page 9, paragraph 1

Regarding claim 10, Richter discloses a method wherein the device comprises at least one layer of an opaque coating on the graphics surface area of the housing. See English translation document, page 2, paragraph 2,3.

Regarding claim 11, Richter discloses a mobile handset comprising:

- a translucent housing having an outer and inner surface; see fig. 2 and English translation document page 8, paragraph 3
- at least one layer of an opaque coating upon at least said outer surface of said housing; See English translation document, page 2, paragraph 2,3
- graphical elements located on at least said housing, said graphical elements comprising a negative image within said coating so as to expose said housing outer surface through said graphical elements; see fig. 2 and English translation document page 2, paragraph 2,3 and page 8, paragraph 3
- backlighting source located within said housing for enhancing visibility of said graphical elements, said backlight source comprising at least one source selected from the group consisting of an electroluminescent panel and an array of light

emitting diodes; see English translation document page 6, paragraph 6, page 9, paragraph 2

However, Richter does not disclose a method wherein the graphical element is located on a front portion of said housing and being indicative of a key function.

Kim, in the same field of endeavor, teaches a method wherein each of the keys has indicia associated with it and the said indicia maybe located on the key or on the front portion of the housing adjacent to the key. See page 1, paragraph 16 and page 5.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teaching of Kim to Richter in order to provide a versatile and easy use of the device to the user.

However, Richter as modified by Kim does not disclose an electroluminescent panel within the mobile handset and constructed to illuminate at least a portion of the transparent area.

Shibamoto, in the same field of endeavor, teaches an electroluminescent panel within the mobile handset and constructed to illuminate at least a portion of the transparent area. See col. 1, line 34 – col. 3, line 19.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teaching of Shibamoto to modified Richter in order to provide a simple mounting structure and hence a much more compact size.

Regarding claim 12, Richter further discloses handset comprising:

- at least the front portion of said housing formed from light emitting material; see fig. 2 and English translation document page 8, paragraph 3

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- an opaque layer covering selected portions of said light transmitting housing front portion defining the edges of graphical elements; See English translation, page 3, paragraphs 1,2
- the electroluminescent panel arranged within the housing so that visible light is emitted through areas of said housing front portions not covered by said opaque layer. See Fig. 1a-1d and English translation, page 3, paragraphs 1,2; page 4, paragraphs 1-3

However, Richter does not disclose a method wherein the graphical element is located on a front portion of said housing and being indicative of a key function.

Kim, in the same field of endeavor, teaches a method wherein each of the keys has indicia associated with it and the said indicia maybe located on the key or on the front portion of the housing adjacent to the key. See page 1, paragraph 16 and page 5.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teaching of Kim to Richter in order to provide a versatile and easy use of the device to the user.

However, Richter as modified by Kim does not disclose an electroluminescent panel within the mobile handset and constructed to illuminate at least a portion of the transparent area.

Shibamoto, in the same field of endeavor, teaches an electroluminescent panel within the mobile handset and constructed to illuminate at least a portion of the transparent area. See col. 1, line 34 – col. 3, line 19.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teaching of Shibamoto to modified Richter in order to provide a simple mounting structure and hence a much more compact size.

3. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richter [DE 1918055A1] and Kim [US 2002/0109614] in view of admitted prior art (page 7, lines 16-21).

Regarding claim 8, Richter as treated in claim 1 discloses all the limitations as claimed. However he does not disclose a method wherein the housing and the graphical element comprise an in-molded graphical element.

Admitted prior art teaches the in-molded process to create graphical element on the housing of the wireless unit. See page 7, lines 16-21.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teaching to modified Richter as design choice in creating the graphical element on the housing of the wireless device.

#### *Response to Arguments*

4. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 571-272-7886. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Sujatha Sharma  
June 26, 2007

  
MATTHEW ANDERSON  
SUPERVISORY PATENT EXAMINER